

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REVISED

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 6, 2005
9:00 A.M.**

ROLL CALL

Invocation – Police Chaplain Ellen Fenter
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

**2005 NATIONAL PROSTATE CANCER AWARENESS MONTH
AMERICAN HEART WALK DAY
CATHEDRAL HIGH SCHOOL'S 80TH ANNIVERSARY DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of August 30, 2005 and Special City Council Meeting of August 29, 2005 (Agenda Review).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- A.** That, pursuant to Section 34.05(i) of the Texas Tax Code, the City as Trustee for the various taxing entities, is hereby authorized to accept the City's offer of \$1.00 for the purchase of the following real property:

Tract 6-A, being a portion of Section 6, Block 79, Township 3, Texas and Pacific Railroad Surveys, being more particularly described in Volume 1338, Page 814, Deed Records of El Paso County, Texas, being more particularly described as 11510 Cheryl Ladd, El Paso, Texas, (PID #X579-999-306A-2200)
[Outside Counsel, Carmen Perez, (915) 545-5481]

- B.** That the El Paso City Council authorizes the Mayor to execute the Mayor's certificate indicating public approval required by Section 147(f) of the Internal Revenue Code and the General Certificate of the City as to the status of the El Paso Housing Finance Corporation in connection with the issuance by El Paso Housing Finance Corporation of its Single Family Mortgage Revenue Bonds Series 2005. [El Paso Housing Finance Corporation, Jerry Kurtyka, (915) 541- 4845]

- C.** That, in accordance with Section 30.00010(d) of the Texas Government Code the City Council authorizes the recording of any municipal court proceeding by the use of an electronic recording device instead of by the use of a court reporter.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

- D.** That the Mayor be authorized to sign miscellaneous easement No. ME20050022 by and between the TEXAS GENERAL LAND OFFICE and the CITY OF EL PASO to create a perpetual right of way easement for access into the Clint Landfill, for a cost of ONE and No/100 Dollar (\$1.00) per year.
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

4. Placing a lien on the following properties (legal description on file with the City Clerk) and in the following amounts for work performed by the City pursuant to Chapter 9.04 (Solid Waste Management). [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

- | | | |
|---|----------|----------------------------|
| 1. 1013 Kimberley Drive
(District 1) | \$375.35 | Reyes & Francisca G. Lopez |
| 2. 5309 Edmonton Avenue
(District 4) | \$189.44 | Alfredo & Nubia Acosta |
| 3. 618 Nino Aguilera
(District 8) | \$811.88 | Reynalda R. Brantner |

5. BOARD APPOINTMENTS:

Richard D. Pineda, PhD. to the Ethics Review Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

6. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)

7. DISCRETIONARY FUNDS:

Request authorization to allocate District # 6 Discretionary Funds (Dept. ID# 0101006, Acct# 504420 fund # 01101) in the amount \$1,179.45, to the Parks and Recreation Department funds to be use to purchase T- Shirts for the World Hispanic Softball Tournament. [Representative Eddie Holguin, (915) 541-4178]

- 8.** Request that Procurement be authorized to exercise the City's option to extend the term of the agreement for One (1) additional year, from October 12, 2006 to October 12, 2007 pursuant to the provisions of Contract 2004-239 with Uniforms of Texas, El Paso, Texas for Uniforms for the Fleet. Service.

Option No.: ONE [OF ONE]
Amount of Award: \$25,000.00 (total one year extension).
Account No's: 37370155-503120-45202
Funding Source: Fleet Service Internal Service Fund
Department: Fleet Service
[Purchasing Department, Jesus M. Juarez, (915) 541-4317]

- 9.** Request that Procurement be authorized to issue Purchase Order(s) as necessary to Eagle Integrated Solutions Incorporated (EISI) to provide its licensed platforms, including maintenance, upgrades and support, for its proprietary application, ElectricalOps™ Pro, until such time that they are no longer the sole-source.

EISI is the developer and exclusive sole source provider of ElectricalOps™ Pro. As proprietor of the database platforms, EISI is the only known source that can provide the required processing and support to its proprietary software programs.

This system will be used to perform mandated airfield inspection and reporting performed daily. The airfield inspection and reporting is required under the Airport's FAA Certification Manual.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager execute any additional documents and/or licensing agreements as necessary. Funds for this expenditure shall be made available in the following account:

Department: Department of Aviation
Funds Available: 62620020-508010-P500004-41022
Funding Source: Airport Capital Outlay Account
Amount: \$50,320 for the implementation and first year support (estimated).
Thereafter, 12% of the purchase price is for maintenance, upgrades and support (\$6,038.40 annual estimate).
District(s): District 3 (Sole Source 2005-279)
[Purchasing Department, Enrique Acosta, Jr., (915) 541-4267]

- 10. CHANGE ORDER:** [Purchasing Department, Byron Johnson, (915) 541-4308]

Approve Change Order No. Twenty eight (Scope Change) to Silverton Construction Co., Inc. for Contract No. 2004-013, Cleveland Square Redevelopment, Main Library Addition Remodeling, New History Museum & Cleveland Square Park Project for an increased amount of \$55,000.00. This Change Order will increase contract time 28 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to replace all existing sewer lines in the second sub-basement at the existing library. The work described under this change order will be funded by 2000 QOL bond appropriations.

This project was scheduled for completion on October 24, 2005 prior to this change order. The new completion date is November 14, 2005.

Location: 501 N. Oregon Street.

11. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

A.	Bid No: 2005-131	Vista Del Valle Park Jogging Path
	Location:	9031 Viscount, El Paso, Texas 79925
	Contractor:	Texas Concrete & Asphalt, Inc. El Paso, Texas
	Department:	Parks Department
	Funds Available:	51159242-31130500-PPW0046005A-16130-26269-508027
	Funding Source:	2000 Quality of Life Bond and Parks & Recreation Revenues
	Items: Base Bid	\$ 215,000.00
	Alternate 1	\$ 90,000.00
	Alternate 2	\$ 50,000.00
	Total Award:	\$ 355,000.00
	Estimated Completion Date:	December, 2005
	Districts:	2

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to Texas Concrete & Asphalt, Inc. the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

B.	Solicitation No. 2005-248	Air Purification Respiratory Parts – Homeland Security
	Award to:	First In, Inc. El Paso, Texas
	Department:	El Paso Fire Department
	Funds Available:	22150024-508035-07169-G220505
	Funding Source:	Homeland Security Grant
	Items:	All
	Amount:	\$220,520.51

The Fire Department and Procurement recommend award as indicated as this vendor has provided the low responsive bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase Air Purification Respiratory Parts. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

It is also requested that Procurement be authorized to exercise the City's Option to purchase additional quantities as listed below, pursuant to the terms of the contract.

Funds Available:	22150024-508007-70166-G220602
Funding Source:	Homeland Security Grant
Items:	2. - Quantity of 336 @ \$19.03 each
	4. - Quantity of 336 @ \$23.26 each
	5. - Quantity of 19 @ \$152.96 each
	6. - Quantity of 261 @ \$152.96 each
	7. - Quantity of 39 @ \$152.96 each
Amount:	\$63,003.68

Total Award Amount:	\$283,524.19
District(s):	All
[Purchasing Department, Monica Vera, (915) 541-4234]	

12. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2005-1538 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to transfer \$360,321.38 from the Stanton Street International Bridge Improvement project to Loop 375 Enhancement-International Bridge Improvements to identify the City's match of this TxDOT project. Funding source is 1987A GOs. D8

Decrease	\$ 42,298.78	from	31116107/P50124026055/508016 CntrctlDesign
Decrease	\$318,022.60	from	31116107/P50124026055/508027 Construction
Increase	\$360,321.38	from	31116107/PST0500726055/508027 Construction

13. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- A.** Rim University Neighborhood Association to block off Blacker Ave between Ochoa St and Virginia St on September 18, 2005 from 5:30 p.m. to 8:30 p.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".

PERMIT # 05-119 [E. R. Lilly] **(District 1)**

NO OBJECTIONS FROM FIRE AND SUN METRO. ENGINEERING DEPT, TRAFFIC DIV HAS NO OBJECTION TO THE PROPOSED STREET CLOSURE FOR BLOCK PARTY PENDING THE PROPERTY OWNER SIGNATURE OF 706 BLACKER. IF THE OWNER OBJECTS, THEN A NEW TRAFFIC CONTROL MUST BE SUBMITTED. BARRICADES TO BE SETUP IAW TEXAS MANUAL ON UNIFORMED TRAFFIC CONTROL DEVICES. BARRICADES MUST BE MANNED THROUGHOUT THE EVENT. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH

THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- B.** American Heart Association to hold a 5K walk on September 10, 2005 from 6:00 a.m. to 12:00 p.m. Route: Start at the Chamizal National Park to Delta, turn left on Delta to Boone St, turn left on Boone St to the El Paso Zoo, enter the zoo, go around and back out to Boone St, proceed on Boone St to Delta, turn right on Delta and finish at the Chamizal National Park. Approximately 1,000 persons, 300 vehicles will take part and 1,000 spectators are anticipated.
 PERMIT # 05-112 [Bruno Gonzalez] **(Districts 3 & 8)**
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TX DOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$426.00 ESTIMATED COST TO APPLICANT: \$374.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- C.** Bel Air High School to hold a homecoming parade on September 14, 2005 from 6:30 p.m. to 7:30 p.m. Route: Start at Lowe's Supermarket – 1025 N Carolina to Yarbrough, turn left on Yarbrough to Parral, turn left on Parral to Venado, turn left on Venado and finish at school parking lot. Approximately 1,000 persons, 70 vehicles will take part and 1,500 spectators are anticipated. PERMIT # 05-113 [Enrique Perez, Jr] **(District 3)**
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$213.00 ESTIMATED COST TO APPLICANT: \$187.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- D.** El Dorado High School to hold a pride week parade on September 9, 2005 from 5:00 p.m. to 6:30 p.m. Route: Start at school parking lot to Tierra Este, turn left on Tierra Este to Tierra Bella, turn right on Tierra Bella to Tierra Humeda, turn right on Tierra Humeda to Tierra Arroyo, turn left on Tierra Arroyo to Tierra Rio, turn right on Tierra Rio to Tierra Cortez, turn right on Tierra Cortez to Tierra Palma, turn left on Tierra Palma to Edgemere, turn right on Edgemere to Tierra Este, turn left on Tierra Este and finish at the school. Approximately 200 persons, 20 vehicles will take part and 150 spectators are anticipated.
 PERMIT # 05-114 [Monica Bustillos] **(District 5)**
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 10 OFFICERS AND 10 VEHICLES. ESTIMATED COST TO CITY: \$426.00 ESTIMATED COST TO APPLICANT: \$574.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- E.** Hanks High School to hold a homecoming parade on September 8, 2005 from 6:00 p.m. to 7:00 p.m. Route: Start at the Firestone parking lot – 1346 N Lee Trevino to Anise, turn right on Anise and finish at Hanks High School. Approximately 400 persons, 20 vehicles will take part and 2,000 spectators are anticipated. PERMIT # 05-111 [MaryAnn Olivas] **(District 5)**
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 9 OFFICERS AND 9 VEHICLES. ESTIMATED COST TO CITY: \$426.00 ESTIMATED COST TO APPLICANT: \$474.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- F.** Eugene Martinez to block off Western Spur between 12270 and 12299 on September 17, 2005 from 6:00 p.m. to 11:00 p.m. for a block party. Approximately 150 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices".
 PERMIT # 05-117 [Eugene Martinez] **(District 6)**
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL

MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- G.** O'Shea Elementary School to hold a parade on September 9, 2005 from 8:00 a.m. to 10:45 a.m. Route: Start at O'Shea Elementary School to Clear Lake, turn right on Clear Lake to Chris Scott, turn right on Chris Scott to Montwood, turn right on Montwood to Dana Bree, turn right on Dana Bree and finish at the school. Approximately 240 persons will take part and 50 spectators are anticipated. This request includes permission to use amplification (1 microphone and 2 speakers). PERMIT # 05-116 [Richard Ryan] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. SOCORRO ISD PD WILL POLICE THE EVENT. (PER OFFICER ZUBIATE OF THE SOCORRO ISD PD). THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- H.** Elizabeth Chairez to block off Thunder Ridge between 1900 and 1933 on September 10, 2005 from 5:00 p.m. to 1:00 a.m. for a block party. Approximately 60 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (1 microphone, 2 speakers and 1 amplifier).

PERMIT # 05-120 [Elizabeth Chairez] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

14. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- A.** An Ordinance amending Ordinance No. 012393 which granted a Special Privilege to the El Paso Electric Company, Owner, and El Paso Parking, Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term through May 16, 2010. (Annual Fee: \$1,220.00, SP-9558b) **(District 1)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]
- B.** An Ordinance granting a Special Privilege to Anita Conger permitting the encroachment onto public right-of-way an awning located at 300 South Mesa Street. (Fee: \$100.00, SP-05018) **(District 8)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]
- C.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso Municipal Code to:(i) Modify Subsection "F" (Thirty-five Miles per hour) by deleting Schuster Avenue from Sun Bowl Drive to Hawthorne Street; and (ii) modifying subsection "E" (Thirty Miles per hour) by adding Schuster Avenue from Sun Bowl Drive to Brown Street. The Penalty is as provided in Section 12.84.010 of The El Paso Municipal Code. **(District 8)**
[Engineering Department, Traffic Division, Ted Marquez, 541-4035]
- D.** An Ordinance rescinding Ordinance 13388 as amended by Ordinances 13851, 23958, and 16071, which granted a Special Privilege License to Ysleta Independent School District for use of certain right of way. **(District 7)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2005 FOR ITEMS A –D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

15. ENGINEERING DEPARTMENT: [Engineering Department, Rick Conner, (915) 541-4200]

Discussion and action on approval of Conditional "B" building permits for Park Hills Subdivision Unit 6. **(District 1)**

16. PERSPECTIVA + 3D/I (P+3): [Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]

A. Council to authorize the combining of the budgets for the following Zoo Western Expansion projects into one overall budget.

	Name of Project	Dist	Budget
1	New Entry	3	\$ 3,582,900
2	Old Exhibits	3	\$ 2,010,000
3	Parking Expansion	3	\$ 1,610,400
4	Africa Expansion	3	\$ 15,651,700
	Total		\$ 22,855,000

B. Council to authorize that \$147,635.59 be transferred from New Delta Senior Center and New Delta Pool projects to Zoo Western Expansion projects. These funds are from the project contingencies and are savings to the Delta projects approved / financed under the Zoo Proposition:

No.	Name of Project	Dist	Budget
1	New Entry	3	\$ 3,582,900
2	Old Exhibits	3	\$ 2,010,000
3	Parking Expansion	3	\$ 1,610,400
4	Africa Expansion	3	\$ 15,651,700
	Delta Senior Center Contingency	3	\$ 110,985
	Delta Pool Contingency	3	\$ 36,650
	Total		\$ 23,002,635

C. Council to authorize that \$200,000 be transferred from Zoo Support Facilities to Zoo Western Expansion projects. These funds are from the project contingency and are savings to the Zoo Support Facilities projects. The allocated funds are for the construction of the Education Classroom Building and are to be used to leverage matching funds for future Education grants:

No.	Name of Project	Dist	Budget
1	New Entry	3	\$ 3,582,900
2	Old Exhibits	3	\$ 2,010,000
3	Parking Expansion	3	\$ 1,610,400
4	Africa Expansion	3	\$ 15,651,700
	Delta Senior Center Contingency	3	\$ 110,985
	Delta Pool Contingency	3	\$ 36,650
	Zoo Support Contingency	3	\$ 200,000
	Total		\$ 23,202,635

17. PURCHASING: [Purchasing Department, Ray Heredia, (915) 541-4316]

Discussion and action on a resolution that Procurement is hereby authorized to notify El Paso Lone Star Security Agency, that the City is terminating Contract No. 2004-001 pursuant to the provisions and requirements of Section C. No. 17 of the Contract Clauses, Availability of Funds and that the termination shall be effective as of September 30th, 2005.

The vendor will be notified & El Paso Public Library will determine security for the Main Library.

Department: El Paso Public Library

18. BID: [Purchasing Department, Byron Johnson, (915) 541-4308]

Solicitation No:	2005-232	Capistrano Park Improvements	
Location:		250 Cayman Lane	
Contractor:		Accent Landscaping & Sprinklers, Inc.	
		El Paso, Texas	
Department:		Parks	
Funds Available:		71150069-G7130CD0016-07798-508028	\$481,212.21
		518000057-16031-159242	\$33,940.00
		518000826-16165-159242	\$731.79
Funding Source:		Community Development & Parks	
Items: Base Bid I		\$457,936.00	
Alternate No. 3		\$23,973.00	
Alternate No. 8		\$33,975.00.	
Total Award:		\$515,884.00	
Estimated Completion Date:		January 2006	
District(s):		6	

RECOMMENDATION:

The Departments of Engineering, and Parks recommend the award of this contract to Accent Landscaping & Sprinklers, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

19. PUBLIC HEARINGS – ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Charter 12.88 (Schedules), Section 12.88.040 (Schedule IV, Parking Prohibited During Certain Hours on Certain Hours on Certain Streets), Paragraph J (No Parking 7:00 A.M. to 4:00 P.M.), of the El Paso Municipal Code, to: (i) Amend Subsection 4 to Read the Entire Length of Frank Cordova Circle, both sides, all of Mike Andrade Place, and all of Luis Gomez Place; and,

(ii) To Add a New Subsection to include Firehouse Drive from Montwood Drive to Saul Kleinfeld, east side only.

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035 and Representative Eddie Holguin, Jr., (915) 541-4178]

20. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

[Planning, Research and Development, Christina Valles, (915) 541-4930]

- A.** An Ordinance changing the zoning of a part of the North Part of Section 44, Block 79, Township 2, T & P RR, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: River Oaks Properties, LTD. Location: 12100 block of Pebble Hills. ZON05-00048 **(District 5)**
- B.** An Ordinance granting Special Permit No. ZON05-00049, to allow for a ground-mounted cellular telecommunications antenna support structure with appurtenant antennas and equipment storage facilities on the property described as a portion of Lots 11 and 12, Block 34, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.61.060 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: T-Mobile, USA, Inc. Location: 1100 Oregon St. ZON05-00049 **(District 8)**
- C.** An Ordinance changing the zoning of Tracts 1A and 1B, George Wilson Survey No. 91, El Paso, El Paso County, Texas from R-4 (Residential) to C-4/c (Commercial/conditions). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jorge Valenzuela. Location: 3962 Doniphan. ZON05-00052 **(District 8)**
- D.** An Ordinance granting Special Permit No. ZON05-00057, to allow for a ground-mounted cellular telecommunications antenna support structure with appurtenant antennas and equipment storage facilities on the property described as a portion of Lot 22, Block H, Thomas Manor Unit Seven, El Paso, El Paso County, Texas, pursuant to Section 20.22.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: T-Mobile. Location: 7900 Knights Drive. ZON05-00057 **(District 7)**

21. CITY MANAGER: [City Manager, Joyce A. Wilson, (915) 541-4844]

City Manager's report of current events and issues:

- 22.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** Masako Chamness, et al vs. City of El Paso, et. al.; Cause No. 2005-2357 in the 168th District Court (551.071)
[City Attorney's Office, Jennifer F. Callan (915) 541-4550]
- B.** Discussion and Action to authorize the attorneys representing the City to enter into a Settlement Agreement in El Paso Electric Company's Petition for Authority to Increase Fuel Factor and for Fuel Surcharge Public Utility Commission of Texas Docket 31332. (551.071)
[City Attorney's Office, Jorge Villegas, (915) 541-4550]
- C.** Rita Rodriguez v. The City of El Paso, Cause No. 2004-4957 in the 34th District Court (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]
- D.** The El Paso Firemen & Policemen's Pension Fund, et. al. vs. Lilli M. Heinrich; Court of Appeals Number 08-05-00203-CV, Trial Court Case Number 2004-2313 (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]
- E.** In the matter of Asarco, LLC, et. al., Case No. 05-21207 in the United States Bankruptcy Court Southern District of Texas Corpus Christi Division (551.071 and 551.072) [City Attorney, Charlie McNabb, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

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